

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

✓ 39 JKG  
In the Matter of the Arbitration Between :

AAMCO Transmissions, Inc. :

Claimant, :

v. :

Miscellaneous Action, File No. 10-MC-153

Todd A. Cox :

Respondent. :

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2010, upon Claimant's Petition To Confirm Arbitration Award, and response thereto or arguments thereon, it is hereby ORDERED and DECREED that Plaintiff's Petition is GRANTED. JUDGMENT is entered in favor of Claimant, AAMCO Transmissions, Inc., and against Respondent, Todd A. Cox, in the amount of \$129,239.75.

BY THE COURT:

\_\_\_\_\_  
J.

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**PETITION TO CONFIRM ARBITRATION AWARD**

Petitioner AAMCO Transmissions, Inc. (“AAMCO”) moves the Court for an Order, pursuant to 9 U.S.C. §§9 and 13, confirming the Award of the arbitrator in the matter of the arbitration between Petitioner AAMCO, and Respondent Todd A. Cox (hereinafter “Respondent” or “Cox”), made on July 14, 2010, and directing that judgment be entered thereon. AAMCO alleges for its Petition to Confirm Arbitration Award as follows:

1. AAMCO is, and at all times relevant hereto, was a Pennsylvania corporation with its principal place of business located at 201 Gibraltar Road, Suite 150, Horsham, PA 19044.
2. Respondent Todd A. Cox is an adult individual with a primary place of business located at 9018 Perrin-Beitel Road, San Antonio, TX 78217 and a last known home address of 1402 S. Seguin Avenue, New Braunfels, TX 78130.
3. Respondent executed four (4) separate franchise agreements with AAMCO. Each franchise agreement granted to Respondent a license to operate an AAMCO Transmission Center at a different franchise location in Texas. The agreements are identified as follows:
  - a. New Braunfels Agreement: This franchise agreement with AAMCO, dated March 5, 1999, licensed Respondent to operate an AAMCO center at 1402 S. Seguin

Avenue, New Braunfels, TX 78130 (the "New Braunfels Center"). A true and correct copy of the New Braunfels Agreement is attached hereto as Exhibit "A";

b. Perrin-Beitel Agreement: This franchise agreement with AAMCO, dated August 25, 2005, licensed Respondent to operate an AAMCO center at 9018 Perrin-Beitel Road, San Antonio, TX 78217 (the "Perrin-Beitel Center"). A true and correct copy of the Perrin-Beitel Agreement is attached hereto as Exhibit "B";

c. IH 35N Agreement: This franchise agreement with AAMCO, dated January 29, 2007, licensed Respondent to operate an AAMCO center at 10502 IH 35N, San Antonio, TX 78233 (the "IH 35N Center"). A true and correct copy of the IH 35N Agreement is attached hereto as Exhibit "C"; and

d. San Marcos Agreement: This franchise agreement with AAMCO, also dated January 29, 2007, licensed Respondent to operate an AAMCO center at 1206 Highway 123, San Marcos, TX 78666 (the "San Marcos Center"). A true and correct copy of the San Marcos Agreement is attached hereto as Exhibit "D".

4. All four (4) of the above referenced agreements (collectively referred to as "the Agreements") contain a provision expressly stating that any dispute arising out of or related to the Agreements shall be settled by binding arbitration in Philadelphia in accordance with the Commercial Arbitration Rules of the American Arbitration Association. *See* Paragraph 22.1 of the New Braunfels Agreement (Ex. A) and the Perrin-Beitel Agreement (Ex. B). *See* Paragraph 28(b) of the IH 35N Agreement (Ex. C) and the San Marcos Agreement (Ex. D).

5. On or about June 9, 2008, pursuant to the terms of the Agreements, AAMCO filed a Demand for Arbitration with the American Arbitration Association ("AAA") office in Philadelphia, Pennsylvania. A true and correct copy of the Demand for Arbitration is attached hereto as Exhibit "E" and incorporated herein by this reference.

6. On or about July 23, 2008, the AAA appointed Jack Foltz, Esq. to serve as arbitrator in this dispute.

7. On July 14, 2010, Arbitrator Foltz, after a duly noticed hearing, issued a written award ("Award") in favor of AAMCO. Arbitrator Foltz awarded AAMCO One Hundred Twenty-Two Thousand Twenty-One dollars (\$122,021.00) for Claimant's underlying claim. The arbitrator further awarded AAMCO administrative fees and compensation of the arbitrator totaling Seven Thousand Two Hundred Eighteen dollars and Seventy-Five cents (\$7,218.75), for a grand total of One Hundred Twenty-Nine Thousand Two Hundred Thirty-Nine dollars and Seventy-Five cents (\$129,239.75) in full settlement of all claims submitted to the AAA. A true and correct copy of the Award is attached hereto and made a part hereof as Exhibit "F".


8. Rule 48(c) of the AAA's Commercial Arbitration Rules (the operative rules governing the dispute) provides that "[p]arties to an arbitration under these rules shall be deemed to have consented that judgment upon the arbitration award may be entered in any federal or state court having jurisdiction thereof." A copy of the AAA's Commercial Arbitration Rule 48(c) is attached hereto as Exhibit "G".

WHEREFORE, AAMCO requests:

1. That the Award be confirmed as a final judgment; and
2. Any other relief that the Court deems just and proper.

8-18-10  
DATE

Respectfully Submitted,



William B. Jameson, Esquire  
ID No.: 58949 (PA)  
Attorney for Claimant  
AAMCO Transmissions, Inc.  
201 Gibraltar Road, Suite 150  
Horsham, PA 19044  
(610) 668-2900

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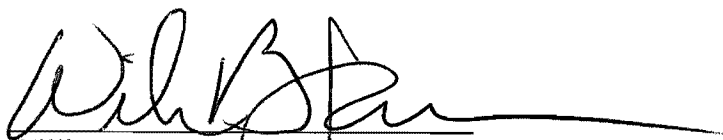
Miscellaneous Action, File No. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

William B. Jameson, hereby certifies that he did serve on this 18<sup>th</sup> day of August, 2010,  
the attached Petition To Confirm Arbitration Award and supporting papers upon the Respondent,  
via U.S. Regular Mail and Certified Mail, postage prepaid:

Todd A. Cox  
1402 S. Seguin  
New Braunfels, TX 78130

8-18-10  
DATE

  
\_\_\_\_\_  
William B. Jameson, Esquire  
Attorney for Claimant  
AAMCO Transmissions, Inc.  
201 Gibraltar Road, Suite 150  
Horsham, PA 19044  
(610) 668-2900